IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.32464 of 2008
GANESH MANJHI
Versus
STATE OF BIHAR
---

5. 17.12.2008 Heard the learned Counsel for the petitioner and the learned counsel for the State.

The petitioner renews his prayer for bail from custody in a Police case under Sections 302 and other provisions of the Penal Code.

Considering his submission that notwithstanding his custody there was no progress in the trial leading to his continued incarceration this Court had called for a report from the court below. The report states that though final report has been submitted on 28.3.2007 the case diary was not being made available and police papers were not being supplied to the accused persons. Despite reminders to the Superintendent of Police and the Deputy Inspector General of Police for sending carbon copy of the case diary it was evoking no response.

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The petitioner is the only accused in custody since 15.9.2005. The others are on bail. Liberty of the petitioner cannot be curtailed for reasons of callousness of the prosecuting authority.

Despite adjournment granted learned Counsel for the State is unable to inform this Court any positive corrective action with regard to production of case diary and the police papers. Learned Counsel for the State refers to communication received by him from the Superintendent of Police but is unable to answer why the case diary and the police papers have not

been made available till date, from the instructions received, to submit that they are not traceable.

Let the petitioner, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Gaya in Chandauti (Gaya) PS Case No. 60 of 1985.

Let a copy of this order be sent to the Director General of Police, Bihar for appropriate administrative action against all concerned.

Snkumar/-

(Navin Sinha,J.)

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